

Surveillance and Utilization Review Subsystem Request for Proposal (RFP) No.19-18325
Maryland Department of Health
December 10, 2019

1. RFP page 29, Section 3.7.2 Security Clearance / Criminal Background Check

Question: Will the State please consider removing the fingerprinting requirement from the background check requirement?

A-1: No

2. RFP page 29, Section 3.7.2 Security Clearance / Criminal Background Check

Question: Can the State clarify whether the fingerprinting requirement is intended to be applied to contractor personnel working on State premises or is it intended for dedicated personnel working under the contract?

A-2: All personnel working on the contract.

3. RFP page 34, Section 3.9 SOC 2 Type 2 Audit Report

Question: If a contractor is HITRUST certified, will the State consider modifying this section to require only HITRUST certification?

A-3: Must be SOC 2 Type 2 certified.

4. RFP page 53, Section 5.2.6

Question: It's stated that font size shall be no less than 12. Is a smaller font size permitted for tables and graphics?

A-4: Yes, but the tables and graphics must be readable

5. RFP page 53, Section 5.2.6

Question: The Technical Proposal has a maximum page limit of no more than one hundred (100) pages in length. To meet that page limit requirement, can responders omit the RFP requirement text in its responses in the Technical Proposal?

A-5: Per Addendum #2 the Page limit has increased to 200 pages per Section 5.2.6

6. RFP page 53, Section 5.2.6

Question: Can the State extend the 100 page limit so the RFP requirement text can be included in the Technical Proposal response to facilitate the review by MDH evaluators?

A-6: Per Addendum #2 the Page limit has increased to 200 pages per Section 5.2.6

7. RFP page 88, Attachment M, Contract, Section 24

Question: Will the State consider a proposed modification to this section to allow the Contractor to retain all records in electronic format only?

A-7: *"Records can be in paper or electronic format."*

8. RFP page 89, Attachment M, Contract, Section 25

Question: Will the State consider a longer notice period to allow for Contractor to schedule and prepare materials for an orderly audit?

A-8: *New requirements will be reflected in Addendum #3*

9. RFP page 90, Attachment M, Contract, Section 29

Question: Will the State consider a proposed modification to Section 29 of the contract to exclude indirect, special, consequential, incidental, exemplary or punitive damages, lost profits or anticipated savings from Contractor's liability? Additionally, will the State consider a proposed modification to Section 29.1 to make the limit in the aggregate rather than per incident. Contractor would like to submit a proposed modification for eventual negotiation with the State without the risk of disqualification.

A-9: *Under state procurement regulation there can be no substantive negotiation after the selection of the vender for award. No post BAFO Negotiation. Current solicitation language will remain unchanged*

10. RFP page 105, Appendix 1, Abbreviations and Definitions, item GGG. Security Incident, and RFP, Attachment J, Business Associate Agreement, Section III.D.1

Question: Will the Department consider expanding on the definition of Security Incident (found in Section GGG of Appendix 1) to include the following language and/or expand on Section III.D.1 of the BAA as follows (proposed changes underlined):

Appendix 1, Section GGG: " Security Incident – A violation or imminent threat of violation of computer security policies, Security Measures, acceptable use policies, or standard security practices, provided, however, that the parties agree that unsuccessful Security Incidents (such as scans, pings, unsuccessful log-on attempts, and other failed attempts to access Business Associate's systems that do not result in unauthorized access, use, or disclosure of PHI) do not need to be reported under this section, but that Business Associate will provide information about such unsuccessful Security Incidents upon written request from Covered Entity. "Imminent threat of violation" is a situation in which the organization has a factual basis for believing that a specific incident is about to occur. "

BAA, Section III.D.1. Business Associate agrees to Report to Covered Entity any use or disclosure of PHI not provided for by the Agreement of which it becomes aware,

including breaches of unsecured PHI as required by 45 C.F.R. § 164.410, and any Security Incident of which it becomes aware without reasonable delay (provided, however, that the parties agree that unsuccessful Security Incidents (such as scans, pings, unsuccessful log-on attempts, and other failed attempts to access Business Associate's systems that do not result in unauthorized access, use, or disclosure of PHI) do not need to be reported under this section, but that Business Associate will provide information about such unsuccessful Security Incidents upon written request from Covered Entity), and in no case later than fifteen calendar days after the use or disclosure

Rationale: The definition of "Security Incident" under HIPAA (45 CFR 164.304) and in Appendix I to the RFP is very broad, and includes both "attempted" attacks on our systems that are unsuccessful, and involve no access or disclosure of PHI. Unless the definition of "security incident" is modified, this would impose an unreasonable burden on HMS Security, given the number of unsuccessful and inconsequential incidents that involve no disclosure, access, or breach of PHI that would need to be reported. In the past, we have been able to agree with our clients that unsuccessful Security Incidents shall not require automatic notice from HMS, but that HMS will provide information on such unsuccessful Security Incidents upon request, as provided here.

Contractor would like to submit this proposed modification for eventual negotiation with the State without the risk of disqualification.

[A-10: Current solicitation language will remain unchanged](#)

11. RFP, Attachment J, Business Associate Agreement, Section IV.C.1

Question: Will the Department consider the edit to this section? The rationale for this request is that this edit addresses situations where it is impossible to return or destroy all PHI that may be contained in backup tapes or other backup environments that cannot be easily accessed. Provides that BAA will extend to such residual PHI until data is destroyed in accordance with normal backup procedures. Proposed revision underlined: "C. Effect of Termination.

Upon termination of this Agreement, for any reason, Business Associate shall return or, if agreed to by Covered Entity, destroy all PHI received from Covered Entity, or created, maintained, or received by Business Associate on behalf of Covered Entity, that the Business Associate still maintains in any form. Business Associate shall retain no copies of the PHI, except with respect to PHI the return of which is impossible or infeasible, in accordance with Section IV(A). In the event that the return of PHI is impossible or infeasible, Business Associate shall extend the protections of this Agreement until such time that all PHI is no longer in Business Associate's possession. This provision shall apply to PHI that is in the possession of subcontractors or agents of Business Associate.

Contractor would like to submit a proposed modification for eventual negotiation with the State without the risk of disqualification.

A-11 Response Delayed Pending Consultation with State Compliance Department

12. 5.3.1, 5.3.2, 5.3.2 (A, B, C)/Pages 53-54 Will Tabs A-B count towards the 100-page limit?

A-12: Per Addendum #2 the Page limit has increased to 200 pages per Section 5.2.6

13. 5.2.1, and 5.2.9/ Pages 52-53 Sections 5.2.1 and Section 5.2.9 seem to be contradictory. Will MDH accept email versions of the proposal as stated in Section 5.2.9

A-13: The State will not accept email versions of the proposal

14. 3.5.1 C Page 33 Source data for SURS systems are typically updated monthly. Will the state consider a recovery point objective of 24 hours and a recovery time objective of 48 hours, which will provide adequate recovery at a lower price?

A-14: Response Delayed Pending Program Response

15. 2.3.1.2 S, page 16 Compiling and sorting source claims data into an analytically-ready SURS dataset is a time-consuming process that requires multiple, single-stage steps. Will the state consider 5 business days to process monthly data sets?

A-15: Response Delayed Pending Program Response

16. 3.9 SOC2 Type 2 Audit, page 34 Vendors can comply with SOC 2 Type 2 audits. However, the Agency should understand that providing such an independent audit on the technology and operational services provided by SURS vendors will be very expensive. Will the agency consider limiting SOC2 audits to the hosting entity's data center services?

A-16: SOC 2 Type 2 is required on data center(s) the vendor uses to host services or store data under this contract.

17. RFP Attachment L; page 79-The link to the form for Location of Services generates an error. Will the agency please provide the correct link?

A-17: <https://procurement.maryland.gov/wp-content/uploads/sites/12/2018/04/Attachment-L-PerformanceofServicesDisclosure.pdf>

- 18. General** In order for MD to receive similarly scoped proposals from the vendors, would you consider releasing your budget for Implementation and your annual budget for operations?

A-18: The State will not release the budget for implementation or an annual budget for operations

- 19.** Would MDH consider allowing vendors to utilize SFTP instead of Connect: Direct, as SFTP is a secured, national standard protocol.

A-19: No. Vendors must use Connect:Direct.

- 20. Costing Worksheet** Is the T&M Services tab in the price sheet intended to be completed if there are additional services outside of the fixed price scope of work (implementation and ongoing operations)?

A-20: A-21:Response Delayed Pending Program Response

- 21. Costing Worksheet** Can the State clarify the purposes of the “Total Hours Proposed” columns in Attachment B-1 Financial Proposal Form? Since this schedule represents additional work at T&M rates, hours by role cannot currently be estimated.

A-21:Response Delayed Pending Program Response

- 22.** What is the current solution for provider credentialing? Will the proposed solution be able to access the current state provider credentialing solution to further analyze such possible scenarios?

A-22: Response Delayed Pending Program Response

- 23.** Does Maryland have a list of additional data sources you would like to consider? Do you already have access to such data sources that could be used for this solution? If yes, may we please have more details?

A-23: No, at this time we do not have a list of additional sources.

- 24.** Can vendors provide a cloud-based solution? If so, what are the requirements for cloud-based solutions?

A-24: Yes, we will accept a cloud-based solution. See Scope of Work. The offering must be FedRAMP Authorized at a Moderate (IaaS, PaaS, SaaS).

- 25.** According to Attachment P, vendors will be required to ingest extract files monthly. Should we expect to see full file replaces or delta files?

A-25: Except for claims interface file, all files are full file replacements.

- 26.** Since a solution would need to accommodate monthly files, how should the system handle instances where an algorithm identifies an individual as an outlier using older data, but upon update of data that individual is no longer an outlier? Do you expect the

technical solution to be able to use older versions of the data to reconstruct the identification of the lead?

A-26: In this issue, The solution should have some type of history and have saved the previous results. So if needed we could go back a look at, not only the results, but the layout of the algorithm. I would expect the solution to give comparisons and show how a provider scored in the previous month along with that current month. But, you should have the ability to use that same algorithm repeatedly with the ability to edit the time frame, a provider, a recipient, etc.

27. The RFP mentions that the system should allow users to the ability to design algorithms from inception. Please describe the level of technical and database manipulation expertise of your users.

A-27: We want to have a creating level of power from a data analytic standpoint. Using statistical and defining limits. We do not want to create databases or do any level of coding. Currently our users do not have any technical or database involvement in the current solution .

28. How important is managed care oversight to the state and to the team that will use this solution? To what extent is the state interested in examining a) providers and beneficiaries in its managed care programs relative to its fee for service program and b) managed care plans themselves?

A-28: We have a great deal of interest in managed care oversight. A large number of our providers participate in both fee for service and managed care. The OIG is responsible for overseeing MCO program integrity compliance.

29. Please identify the state's strategic priorities for program integrity that it is looking for the vendor's solution to help it meet. For example, is the state most interested in achieving recoveries, preventing improper payments, generating high quality referrals for investigation, etc.?

A-29: The OIG's central mission is to identify fraud, waste and abuse in the Medicaid program. The State is seeking a vendor who has developed a program capable of using data analytics/logic/algorithms to identify outliers and generate high quality referrals for investigation. The State is also interested in a program that will allow our data analytics team to run queries/algorithms to identify recoveries.

30. Would Maryland consider extending the January 2, 2020 due date?

A-30: The State will extend the due date by one week. January 9,2019

31. Would Maryland consider changing the key personnel requirement (project director must have implemented one SURs for three years) to include responsibility for overseeing and/or managing a SURS system (but not necessarily implementing)?

A-31: Amendments to Personnel requirements will be reflected in Addendum #3

32. Section 1.1 (page 1 of 133) of the RFP states that "there are no Offeror Minimum Qualifications for this procurement." However, Section 3.10.A (page 36 of 133) lists the following as an Offeror Minimum Qualification: "Experience providing a SURS solution for a Medicaid state agency, including the operations and maintenance of the SURS for one (1) client for at least three (3) consecutive years." From the pre-bid, we understand Maryland wants to procure a superior product and eliminating firms with no current contract with another state seems to restrict entry into the market by new firms with better technology. Please clarify which section of the RFP (Sections 1.1 or Section 3.10.A) applies for this RFP.

A-32: Section 3.10. A has been removed per Addendum #2

33. **QUESTION 1 Related RFP Text:** *"The SURS System Implementation Phase includes all activities from Notice to Proceed (NTP) to the point that the Contractor receives a written notice from the State Contract Monitor that the contractor's SURS solution is approved for go-live. The Contractor shall finish all Implementation Phase requirements and deliverables within three (3) calendar months of NTP."*

Per RFP Section 2.2.4, the final Security Management Plan (SMP) is due 30 days from NTP. Data cannot be exchanged until an approved SMP is in place approved, which allows just 60 days to receive state data, and complete configuration and implementation of the new system. Is that what the State intends? Can this language be modified to *"The Contractor shall finish all Implementation Phase requirements and deliverables within 90 days from receipt of data"*?

A-33:Section will remain unchanged

34. **QUESTION 2**

Given the upcoming holidays and pre-planned vacations, is the State amenable to offering a two-week extension of the response due date to January 16, 2020?

A-34: The State will extend the due date by one week. January 16 ,2019

35. **Section 4.3 Questions (page 42).** If we heard him correctly at the bidder's conference, Mr. Johnson noted questions should be submitted at least 5 days before the proposal due date. Section 4.3.1 states questions are due no later than December 2nd per the Key Information Sheet. Will questions be accepted after December 2nd?

A-365: Questions will accepted up to 5 business days before the Closing Date

36. **Addendum 1** instructs the bidder to provide a signed acknowledgement of the Addendum with our bid submission to Calvin T. Johnson, Contract Officer. The Key Information Summary Sheet instructs us to send our proposal to Queen Davis. Should our signed Amendment acknowledgements be sent separately to Mr. Johnson or should

they be included in our response and placed before Tab A and include an original and 4 copies or both?

A-36: Proposals should be address to the Contract Officer Calvin T. Johnson

37. **Attachment L. Location of Performance of Services Disclosure (page 79)** has an extra space in the address link provided. Correct link is: <https://procurement.maryland.gov/wp-content/uploads/sites/12/2018/04/Attachment-L-PerformanceofServicesDisclosure.pdf>

A-37:

38. In section 3.10.1 (A), the RFP requests that the Offeror has “Experience provide a SURS solution for a Medicaid state agency...”. We have experience providing all the technical requirements requested by MDH’s RFP for another state’s program integrity division; however, we were not that state’s certified SURS system. Will this experience meet the qualifications in 3.10.1?

A-38: Corrected by Addendum #2

39. In sections 3.10.1 (B) and 3.10.2, the RFP requests that the Offeror provide personnel with experience relating to SURS systems. We have personnel with experience providing all the technical requirements requested by MDH’s RFP for another state’s program integrity division; however, we were not that state’s certified SURS system. Will the experience of Offeror’s personnel on such a project still meet the qualifications in 3.10.1 (B) and 3.10. 2?

A-39: Response Delayed Pending Program Response

40. Section 5.2.1 of the RFP (page 52 of 133) says that “proposals delivered by e-mail and facsimiles shall not be considered” but section 5.2.9 (page 53 of 133) says “Offers may submit Proposals by electronic means as described... A. Electronic means includes e-mail to the Procurement Officer address listed on the Key Information Summary Sheet.” Could Maryland confirm whether electronic submission by e-mail is acceptable?

A:40 E-Mailed or Electronically Submitted Proposals will not be accepted